

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AUDRA McCOWAN, et al.	:	
	:	
Plaintiffs,	:	
	:	
v.	:	19-cv-3326-JHS
	:	
CITY OF PHILADELPHIA, et al.,	:	
	:	
Defendants.	:	

**DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Defendants the City of Philadelphia, Commissioner Richard Ross Jr., Deputy Commissioner Christine Coulter, Chief Inspector Daniel MacDonald, Inspector Michael McCarrick, Lieutenant Timothy McHugh, Sergeant Brent Conway, Sergeant Eric Williford, Sergeant Kevin O'Brien, Sergeant Tamika Allen, Sergeant Herbert Gibbons, and Officer Curtis Younger ("Defendants") respectfully submit the foregoing proposed Order in response to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction. Defendants respectfully request that this Court enter the foregoing Order and deny Plaintiffs' Motion as moot. Plaintiffs do not object to the entry of this order.

The Plaintiffs will be returned to their assignments held as of July 29, 2019. Upon Plaintiff Corporal Audra McCowan's return to work, either with or without restrictions, she will be assigned to Police Radio with rotating shifts of two weeks of day work from 6:00 a.m. to 2:00 p.m, followed by two weeks of night work 2:00 p.m. to 10:00 p.m., preserving the status quo as it existed on July 29, 2019. Immediately upon judicial endorsement of the foregoing Order, Police Officer Jennifer Allen will be assigned to the Neighborhood Services Unit where she will work a steady day shift with weekends off. Defendants intend for this Order to remain in effect until Civil Action no, 19-3326 is closed by the Clerk of Courts upon the direction of this Court.

WHEREFORE, Defendants the City of Philadelphia, Commissioner Richard Ross Jr., Deputy Commissioner Christine Coulter, Chief Inspector Daniel MacDonald, Inspector Michael McCarrick, Lieutenant Timothy McHugh, Sergeant Brent Conway, Sergeant Eric Williford, Sergeant Kevin O'Brien, Sergeant Tamika Allen, Sergeant Herbert Gibbons, and Officer Curtis Younger respectfully request that this Honorable Court enter the foregoing Order at the Court's earliest convenience.

Respectfully submitted,

/s/ Daniel R. Unterburger
DANIEL R. UNTERBURGER
Assistant City Solicitor
NICOLE S. MORRIS
Chief Deputy City Solicitor
Labor and Employment Unit
1515 Arch Street, 16th Floor
Philadelphia, PA 19102
215.683.5080
daniel.unterburger@phila.gov

Dated: August 15, 2019

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AUDRA McCOWAN, et al.

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19-cv-3326-JHS

CERTIFICATE OF SERVICE

I hereby certify that on the date listed below the foregoing Response to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction and Proposed Order was electronically filed electronically and made available for download and viewing.

Respectfully submitted,

CITY OF PHILADELPHIA
LAW DEPARTMENT

/s/ Daniel R. Unterburger
DANIEL R. UNTERBURGER
Assistant City Solicitor

Dated: August 15, 2019